IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA					
	Plaintiff,) 8:05CR108)			
	vs.) DETENTION ORDER			
VIC	CTOR SAINZ-GONZALEZ,)			
	Defendant.)			
A.		o 18 U.S.C. § 3142(f) of the Bail Reform Act re-named defendant detained pursuant to 18			
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 				
C.	Services Report, and includes the following: X (1) Nature and circumstances of the X (a) The crime: a conspirace distribute in excess of 50 violation of 21 U.S.C. § grams of actual methamp § 841(a)(1) both carry a mand a maximum of life im (b) The offense is a crime of (c) The offense involves a natural methamp (d) The offense involves a natural methamp (e) The offense involves a natural methamp (f) The offe	e offense charged: y to distribute and possess with intent to 00 grams of methamphetamine (Count I) in 846 and the distribution of more than 50 whetamine (Count II) in violation of 21 U.S.C. hinimum sentence of ten years imprisonment prisonment. violence. arcotic drug. rge amount of controlled substances, to wit: nst the defendant is high. of the defendant including: ears to have a mental condition which may be defendant will appear. no family ties in the area. has no steady employment. has no substantial financial resources. Is not a long time resident of the community. Is not have any significant community ties.			

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			The defendant has a prior record of failure to appear at court proceedings.
(b) At the time of the current arrest, the defendant was on:			
	Probation Parole		
			lease pending trial, sentence, appeal or completion of
sentence.			
		(c) Other Fa	ictors: The defendant is an illegal alien and is subject to deportation.
		The	e defendant is a legal alien and will be subject to deportation on convicted.
			The Bureau of Immigration and Custom Enforcement (BICE)
			has placed a detainer with the U.S. Marshal.
<u>X</u>			seriousness of the danger posed by the defendant's release The nature of the charges in the Indictment.
X	X (5) Rebuttable Presumptions		
			nat the defendant should be detained, the Court also relied on
	the	e following re	buttable presumption(s) contained in 18 U.S.C. § 3142(e)
			finds the defendant has not rebutted:
	<u>X</u>	` '	condition or combination of conditions will reasonably assure
			earance of the defendant as required and the safety of any around the community because the Court finds that the crime
		involves:	
			A crime of violence; or
		<u>X</u>	(2) An offense for which the maximum penalty is life
		V	imprisonment or death; or
		<u>X</u>	(3) A controlled substance violation which has a maximum penalty of 10 years or more; or
		(4)	A felony after the defendant had been convicted of two or
· · ·		more prior offenses described in (1) through (3) above, and	
			the defendant has a prior conviction for one of the crimes
			mentioned in (1) through (3) above which is less than five
			years old and which was committed while the defendant was
	X		on pretrial release. condition or combination of conditions will reasonably assure
			earance of the defendant as required and the safety of the
community because the Court finds that there is probable cause			
believe:			
		X	(1) That the defendant has committed a controlled
substance violation which has a maximum penalty of 1			
years or more (2) That the defendant has committed an offense under 1			
			U.S.C. § 924(c) (uses or carries a firearm during and in
			relation to any crime of violence, including a crime of

violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or

device).

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 27, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge